

1 Exhibits: 171-188

Volume 1, Pages 1-155

2 UNITED STATES DISTRICT COURT

3 FOR THE DISTRICT OF MASSACHUSETTS

4 Civil Action No. 03-10164-RWZ

5  
6 THE TRAVELERS INDEMNITY COMPANY  
7 OF ILLINOIS a/s/o PATCO  
8 CORPORATION,

9 Plaintiff

10 v.

11 WOLVERINE (MASSACHUSETTS)  
12 CORPORATION,

13 Defendant

14 DEPOSITION OF WILLIAM B. WILBUR

15 Friday, November 14, 2003, 11:10 p.m.

16 Smith & Duggan, LLP

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18 Boston, Massachusetts

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2 (Pages 2 to 5)

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| <p>2</p> <p>1 APPEARANCES:<br/> 2 Robinson &amp; Cole, LLP<br/> 3 Danielle Andrews Long, Esq.<br/> 4 One Boston Place<br/> 5 Boston, Massachusetts 02108-4404<br/> 6 617.557.5934 Fax: 617.557.5999<br/> 7 email: dlong@rc.com<br/> 8 for Plaintiff<br/> 9<br/> 10 Smith &amp; Duggan, LLP<br/> 11 Matthew J. Walko, Esq.<br/> 12 Two Center Plaza<br/> 13 Boston, Massachusetts 02108-1906<br/> 14 617.248.1900 Fax: 617.248.9320<br/> 15 email: MJWalko@SmithDuggan.com<br/> 16 for Defendant<br/> 17<br/> 18<br/> 19<br/> 20<br/> 21<br/> 22<br/> 23<br/> 24</p>   | <p>4</p> <p>1 A. Political science.<br/> 2 Q. Did you take any engineering courses?<br/> 3 A. No.<br/> 4 Q. What was the family-owned business, what<br/> 5 was the name of it?<br/> 6 A. The name of the business was Patco<br/> 7 Corporation.<br/> 8 Q. And when was that founded?<br/> 9 A. 1965.<br/> 10 Q. What kind of business was that when it was<br/> 11 founded?<br/> 12 A. Manufacturer of pressure-sensitive adhesive<br/> 13 tapes.<br/> 14 Q. And who were the principals in Patco back<br/> 15 at its founding?<br/> 16 A. My father and -- you want all of the<br/> 17 officers of the company or just the people that were<br/> 18 involved in the operation of the company?<br/> 19 Q. The folks who were in charge; right at the<br/> 20 top, not the folks who were on the line or middle-<br/> 21 level managers.<br/> 22 A. Primarily my father was involved, and there<br/> 23 was a foreman that he interacted with that was<br/> 24 involved with the day-to-day manufacturing.</p>  |
| <p>3</p> <p>1 PROCEEDINGS<br/> 2 MR. WALKO: The parties have stipulated<br/> 3 that all objections except for the form of the<br/> 4 question or for privilege are reserved until time of<br/> 5 trial.<br/> 6 MS. LONG: That's fine.<br/> 7 WILLIAM B. WILBUR, sworn<br/> 8 BY MR. WALKO:<br/> 9 Q. Mr. Wilbur, please state your name for the<br/> 10 record.<br/> 11 A. William B. Wilbur.<br/> 12 Q. And what's your date of birth, sir?<br/> 13 A. November 4, 1950.<br/> 14 Q. And how did you get involved in the tape<br/> 15 manufacturing business?<br/> 16 A. The company was a family-owned company. At<br/> 17 the time that I graduated from college I came back<br/> 18 home and got involved in the business.<br/> 19 Q. So right after college, you went back into<br/> 20 the family business?<br/> 21 A. Correct.<br/> 22 Q. And what was your undergraduate school?<br/> 23 A. Marquette University.<br/> 24 Q. And what was your major in?</p> | <p>5</p> <p>1 Q. What was your father's name?<br/> 2 A. First name is Sinclair, S-i-n-c-l-a-i-r,<br/> 3 middle initial F, as in Frank, Wilbur.<br/> 4 Q. And how did Sinclair Wilbur get involved in<br/> 5 the pressure-sensitive tape business?<br/> 6 A. He became acquainted, I believe, somewhere<br/> 7 in the range of 1962 with a gentleman named Walter<br/> 8 Connolly, and Walter's background was in sales of<br/> 9 chemicals, for a company I can't remember, and vinyl<br/> 10 films, I believe, and he recognized an opportunity<br/> 11 for the sale of vinyl electrical tapes; and my<br/> 12 father, having a background in engineering,<br/> 13 designing high-temperature furnaces and things of<br/> 14 that nature, decided to go into, initially a<br/> 15 partnership with Walter, which lasted for<br/> 16 approximately two years, and that company was<br/> 17 dissolved because there were disagreements; Walter<br/> 18 not holding up his end of the marketing/sales end of<br/> 19 it. It was decided through a proceeding that my<br/> 20 father would maintain ownership of the equipment and<br/> 21 he re-formed the company under the name of Patco.<br/> 22 Q. I'm curious. Where did the name Patco come<br/> 23 from?<br/> 24 A. Plastic adhesive tape company.</p> |

FARMER ARSENAULT BROCK LLC

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| <p>6</p> <p>1 Q. So Sinclair Wilbur after this proceeding<br/>2 ended up with the equipment. What was the principal<br/>3 equipment that was used back at that time around<br/>4 1965?</p> <p>5 A. It was a machine that would apply adhesive<br/>6 to the film, dry it, wind it up into what is<br/>7 commonly called log rolls, wide-width rolls, and<br/>8 subsequently cut it down into narrower-width rolls<br/>9 of tape.</p> <p>10 Q. The cutting-down part, is that known in the<br/>11 industry as slitting?</p> <p>12 A. Correct.</p> <p>13 Q. And the machine that would cure the<br/>14 adhesive, is there a name in the industry for that<br/>15 kind of machine?</p> <p>16 A. It goes under various names.</p> <p>17 Q. And what are those?</p> <p>18 A. It could be called an oven or a dryer.</p> <p>19 Q. What was the heat source in that original<br/>20 dryer?</p> <p>21 A. The heat source would have been, I think, a<br/>22 natural-gas-fired combustion chamber.</p> <p>23 Q. When you graduated from Marquette --<br/>24 A. Correct.</p>  | <p>8</p> <p>1 remember which, and he worked for them for several<br/>2 years learning the heat-treating business as a<br/>3 design engineer, I believe; and he and two other<br/>4 individuals, when that business went out of<br/>5 business, decided to form the company that became<br/>6 Sargeant &amp; Wilbur in approximately 1937.</p> <p>7 Q. So your father was involved in the Sargeant<br/>8 &amp; Wilbur Company for about 25 years before he<br/>9 started up Patco?</p> <p>10 A. OK.</p> <p>11 Q. Is that so?</p> <p>12 A. I'm not doing the math.</p> <p>13 Q. From 1937 to 1965, how many years would<br/>14 that be?</p> <p>15 A. 25, 27.</p> <p>16 Q. Who were the other two individuals he<br/>17 started Sargeant &amp; Wilbur with?</p> <p>18 A. One was George and Irving Sargeant.</p> <p>19 Q. Are they brothers?</p> <p>20 A. As far as I know, yes.</p> <p>21 Q. And what exactly was involved in, when you<br/>22 describe industrial heat-treating equipment, what is<br/>23 heat-treating equipment?</p> <p>24 A. It is high-temperature furnaces that are</p>                                       |
| <p>7</p> <p>1 Q. -- you came back to the Patco Company to<br/>2 work in some capacity?</p> <p>3 A. Yes.</p> <p>4 Q. And how did you start out?</p> <p>5 A. I started out primarily as a glorified<br/>6 clerk, purchasing agent, helping my brother,<br/>7 primarily, who was actively involved in the business<br/>8 in a sales capacity.</p> <p>9 Q. And what was your brother's name?</p> <p>10 A. Edward S. Wilbur.</p> <p>11 Q. Was Sinclair Wilbur at that time involved<br/>12 in any other businesses?</p> <p>13 A. Yes. He owned and managed the Sargeant,<br/>14 S-a-r-g-e-a-n-t, and Wilbur, W-i-l-b-u-r<br/>15 Incorporated business, which is a manufacturer of<br/>16 industrial heat-treating equipment.</p> <p>17 Q. How did Sinclair Wilbur get involved in<br/>18 Sargeant &amp; Wilbur?</p> <p>19 A. He worked when he got out of -- not right<br/>20 away out of college. He graduated from college in<br/>21 1933, and during the depression there weren't many<br/>22 jobs, so I think his first experience in the<br/>23 engineering field was with a company called Schrum<br/>24 Engineering or Schrum Heat Treating, I can't</p> | <p>9</p> <p>1 used to heat-treat metals to relieve stresses in the<br/>2 metals so that they will perform without cracking, I<br/>3 would say for lack of a better word, under normal<br/>4 everyday use.</p> <p>5 Q. I've heard the phrase "tempering." Is that<br/>6 sort of a tempered metal?</p> <p>7 A. Similar, yes. There are several different<br/>8 processes, but that is the most generic and most<br/>9 direct.</p> <p>10 Q. And where was the facility located when<br/>11 Patco first started operations?</p> <p>12 A. In Pawtucket, Rhode Island.</p> <p>13 Q. Do you remember the address?</p> <p>14 A. 180 Weeden, W-e-e-d-e-n, Street.</p> <p>15 Q. And in the 1960s, where was Sargeant &amp;<br/>16 Wilbur located?</p> <p>17 A. Same location, different floor.</p> <p>18 Q. Who was the manufacturer of the oven that<br/>19 Patco first used when it opened?</p> <p>20 A. Sargeant &amp; Wilbur.</p> <p>21 Q. After you started working for Patco, I<br/>22 assume you advanced beyond the clerk stage. What<br/>23 was the progress over time of the different<br/>24 positions you assumed at Patco?</p> |

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1 A. It primarily consisted of my brother and  
2 myself. My father was not involved in the day-to-  
3 day activities. For lack of a better term, a very  
4 general manager type position, with my brother being  
5 the vice president, primarily of sales and marketing  
6 efforts. Up until -- now, the chronology that  
7 you're asking for is from what date to what date?

8 Q. Who was the general manager that you were  
9 referring to? Was it your brother Edward Wilbur or  
10 yourself?

11 A. When?

12 Q. Let's do it this way. From 1965 to 1970,  
13 what positions did you hold at Patco?

14 A. None.

15 Q. From 1970 to 1975, what positions did you  
16 hold at Patco?

17 A. I started in 1973 in -- let's see. I  
18 graduated in May, so probably June, as I said, kind  
19 of a clerk type to start, and as I learned more  
20 about the customers and the process, as I said, a  
21 very loosely defined general managerial type  
22 activity.

23 Q. From 1975 to 1980, did your position change  
24 at all?

1 tape business -- that's a mild way of putting it --  
2 and preferred to let others run and manage the  
3 company. His was just an oversight type of position  
4 where he would receive financial information and  
5 things of that nature. That was about the extent of  
6 it up until the time that I took control of the  
7 company, I believe in 1989 through 1990.

8 Q. When you took control of the company, were  
9 there other officers involved in the company at that  
10 point or did you assume all of the officer titles?

11 A. At that time I assumed the operational --  
12 let's say officer titles of president and treasurer;  
13 the secretary of the company was our attorney at the  
14 time.

15 Q. And who was that?

16 A. A gentleman named Raymond J. McMahon, M-c-  
17 M-a-h-o-n.

18 Q. When you first started working in 1973, how  
19 many ovens did Patco use in its manufacturing  
20 process?

21 A. One.

22 Q. And who was the manufacturer of that oven?

23 A. Sargeant & Wilbur.

24 Q. How big was that machine?

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1 A. It changed dramatically. As a result of my  
2 brother passing away in 1978, I started for the most  
3 part to run the company. I'm not sure when specific  
4 titles kicked in. I can't give that information. I  
5 just continued to operate the business and had --  
6 what other question do you have?

7 Q. Did you become president of Patco at some  
8 point in time?

9 A. At some point in time -- I can't remember  
10 the exact date. Maybe it was the mid to late '80s  
11 or somewhere in that range. I'm not sure.

12 Q. Who was the president of Patco prior to you  
13 assuming that position?

14 A. That would have been my father, Sinclair  
15 Wilbur.

16 Q. Was he still president of Patco at the time  
17 of your brother's death?

18 A. Yes.

19 Q. And after you assumed the presidency was  
20 Sinclair Wilbur involved in Patco in any respect?

21 A. No.

22 Q. Did he retire or pass away? What was the  
23 reason for the change?

24 A. He never really had a great liking for the

1 A. Approximately 40 feet in length.

2 Q. And what was the heat source?

3 A. As I mentioned earlier in one of your  
4 initial questions, it was a natural-gas-fired  
5 combustion chamber.

6 Q. To your knowledge, was it the same machine  
7 that had been in place when the Patco Company  
8 started up?

9 A. It may have been one generation removed.  
10 They integrated some portions of the operation.  
11 There was a need at the time to separately prime the  
12 film on one coating line and put the adhesive on on  
13 another coating line. And then they put the priming  
14 station in line with the main oven, and that was a  
15 very small unit. A very short-duration run. All it  
16 does is allow the adhesive to anchor itself properly  
17 to the film on the side that it's coated so that  
18 when you unwind it the adhesive doesn't transfer to  
19 the opposite side.

20 Q. And the priming machine, who was the  
21 manufacturer of that machine?

22 A. Sargeant & Wilbur.

23 Q. Now, you described the machine that was in  
24 place when you first came on board in 1973. Did you



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| <p>14</p> <p>1 ever get a different oven for the manufacturing line<br/>2 at Patco there in Pawtucket?<br/>3 A. No.<br/>4 Q. How long did Patco make tape at the Weeden<br/>5 Street facility in Pawtucket?<br/>6 A. Well, 1965, and we moved across the street<br/>7 to 211 Weeden Street in 1975 or '76 and just<br/>8 transferred the equipment that we had into that<br/>9 location.<br/>10 Q. And did Patco move to any other locations<br/>11 after that switch to 211 Weeden Street?<br/>12 A. Well, there was one other -- one other<br/>13 location where -- actually, I think it was even<br/>14 prior to that switch where they were still at 180<br/>15 Weeden Street where we moved the slitting equipment<br/>16 to a separate location for a time because we were<br/>17 running out of space. I can't remember how long we<br/>18 were there. It was a very short period of time.<br/>19 Q. As far as the operations at 211 Weeden<br/>20 Street were concerned, when the move was made there,<br/>21 was the slitting machine, the oven and the priming<br/>22 machine all a part of the process line? How did<br/>23 that work?<br/>24 A. Well, I will answer your question in a way</p>   | <p>16</p> <p>1 Q. So who made it originally prior to the<br/>2 retrofitting that oven?<br/>3 A. Who made that oven?<br/>4 Q. Yes.<br/>5 A. Sargeant &amp; Wilbur.<br/>6 Q. Do you recall when they made that?<br/>7 A. It was over quite a, quite a stretch of<br/>8 time, because there was no sense of urgency to<br/>9 building it. It kind of was dictated by our ability<br/>10 to pay for certain parts over a number of years, and<br/>11 that was a project that my father was directly<br/>12 involved in. There was nobody else really at<br/>13 Sargeant &amp; Wilbur beyond him that really understood<br/>14 the tape business to any great degree. Their focus<br/>15 is and always was the high-temperature furnace<br/>16 business.<br/>17 That particular machine had initially<br/>18 been built to make in the industry what is called<br/>19 label stock. It used primarily water-based<br/>20 adhesives and maybe some solvent-based adhesives and<br/>21 would be coated by a different method and wound in a<br/>22 different way that we'd never done before.<br/>23 Well, the problem is that the market<br/>24 that had started to develop for those products</p>       |
| <p>15</p> <p>1 that I think will satisfy you. What I think you're<br/>2 trying to say is was all the equipment in one<br/>3 location?<br/>4 Q. Yes.<br/>5 A. None of those particular pieces of<br/>6 machinery are integrated other than the coating<br/>7 head, the dryer or oven and the rewind station.<br/>8 Those are the integral parts of the coating line.<br/>9 The slitting equipment is wholly separate and, yes,<br/>10 to answer the question, as I understand it, it was<br/>11 all in one location.<br/>12 Q. And Patco made tape at 211 Weeden Street<br/>13 until about when?<br/>14 A. Until we -- well, we moved to Bristol in<br/>15 1990 or '91, I can't remember which, and initially<br/>16 had our converting operations running down there.<br/>17 We set up an oven that had been built while we were<br/>18 up at Weeden Street, but it had never been used,<br/>19 down in Bristol. And that took us quite a while to<br/>20 get up and running because we had to do a tremendous<br/>21 amount of retrofitting to that machine since it was<br/>22 going to not be used for its original purpose but be<br/>23 retrofitted to accommodate its use to produce the<br/>24 same types of products that we did at Weeden Street.</p> | <p>17</p> <p>1 quickly evaporated and our ability to compete<br/>2 effectively really was -- it didn't really make<br/>3 sense for us to keep pursuing the building of that<br/>4 machine for that purpose. So, in effect, it was<br/>5 mothballed there and just sat there until I made the<br/>6 decision to move to Bristol.<br/>7 And then we needed a new machine but we<br/>8 couldn't afford the downtime, so I decided to move<br/>9 that machine down to Bristol and do all of the<br/>10 retrofits that were necessary, as I said before, to<br/>11 make it perform like the machine that was currently<br/>12 producing products in Pawtucket. And, beyond that,<br/>13 I'm going to let you ask another question, because<br/>14 I'm sure you have one.<br/>15 Q. When your father started getting involved<br/>16 in the making of this, I'll call it a tape label<br/>17 machine. Is that right?<br/>18 A. No. You would call it an adhesive coating<br/>19 line.<br/>20 Q. An adhesive coating line machine. Where<br/>21 was it being built?<br/>22 A. It was being -- now, define "built."<br/>23 Q. The final dimensions of this adhesive<br/>24 coating machine were what?</p> |

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1 A. Approximately 90- to 100-some-odd feet long  
2 when you put all of the components together.

3 Q. About how high?

4 A. It varied in height, depending on where you  
5 were standing at any particular point along the  
6 coating line. Most of them vary. At its highest  
7 point I'd say maybe 12 feet.

8 Q. And how wide?

9 A. Well, the working width of material being  
10 processed through the oven was designed to be about  
11 60 inches.

12 Q. It was wider than the material at least 60  
13 inches wide?

14 A. Yes.

15 Q. So this large -- this large machine when  
16 compiled, I assume had to be in some particular  
17 place for a while, and in order to build it, it  
18 would have had to have been built in some location.  
19 That's sort of what I'm getting at. Was it built in  
20 the Patco facility? Was it built at Sargeant &  
21 Wilbur? Was it built at some third location? Do  
22 you recall?

23 A. It would have been, to put a definition to  
24 it, fabricated at Sargeant & Wilbur and assembled at

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1 the Patco Corporation.

2 Q. Patco was paying for this fabrication over  
3 time. Is that so?

4 A. Correct.

5 Q. And would Sargeant & Wilbur deliver sort of  
6 packets of the machine to the 211 Weeden Street  
7 location? How did it that work?

8 A. It depended entirely on their floor space  
9 needs at Sargeant & Wilbur. If they were getting  
10 cramped with all of the other jobs they were trying  
11 to do, they would deliver it piecemeal and just  
12 certain parts would be there, and then they would --  
13 let me think about this for a minute. It goes way  
14 back. I don't think they ever did a final assembly.  
15 I think it was just too long at Sargeant & Wilbur  
16 for the whole thing. I think it was piecemeal to  
17 Patco, but I'm not 100 percent sure on that.

18 Q. Do you recall, thinking back when this  
19 machine was delivered to Patco, was it delivered to  
20 the 211 Weeden Street location?

21 A. In piecemeal fashion, as we've discussed  
22 already.

23 Q. That's a yes?

24 A. Correct.

20

1 Q. Do you recall if it came in crates or some  
2 kind of packaging or was it just large pieces of  
3 machinery?

4 A. It would have been delivered by a common  
5 carrier, I imagine, of some sort, a truck, that  
6 would deliver it to the loading dock and be  
7 offloaded by the people working at Patco.

8 Q. How far away was Sargeant & Wilbur at that  
9 time? Were they still across the street?

10 A. No. They had moved in a new facility.

11 Q. Where was that?

12 A. Over on the other side of Pawtucket. I  
13 can't remember the exact street address. I believe  
14 it's Montecello Road or Street.

15 Q. Did your father ever include you in  
16 discussions about the different features of that  
17 machine and what Patco would need for that label  
18 market it was hoping to sell in?

19 A. Well, that would be part of the discussion.  
20 He was interested, obviously, in the types of  
21 materials that would be processed through there, and  
22 what type of heat profiles would be necessary in  
23 order to dry the materials properly, and what types  
24 of speeds we were trying to accomplish and things of

21

1 that nature.

2 Q. Do you recall if there were any plan  
3 drawings made for the manufacture of that machine?

4 A. There very well may have been. I'm sure  
5 there were at some point, but I am not in possession  
6 of them, and I would have no idea where they would  
7 be at this point, because as I said, the machine was  
8 radically retrofitted and it would not resemble, at  
9 all, the original piece of equipment that was  
10 designed by the time we were through retrofitting  
11 it, primarily to accommodate the use of the  
12 Wolverine thermal oxidizer.

13 Q. Do you recall if there were any control  
14 schematics associated with that original  
15 fabrication?

16 A. I'm sure there were, but, again, they are  
17 not any schematics that are in my possession or in  
18 the possession of anyone that I'm aware of, unless  
19 they're somewhere in Tyco's possession at this  
20 point. That I don't know. I don't know why those  
21 prints would still be there because they're not  
22 relevant.

23 Q. Who was in charge of the retrofitting of  
24 the machine?

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| <p>22</p> <p>1 A. In-house Patco personnel.</p> <p>2 Q. Do you recall who their names were, what</p> <p>3 their names were?</p> <p>4 A. At the time one of my supervisors was</p> <p>5 Frederick Whittle. Another gentleman's name was</p> <p>6 Armand Coulombe.</p> <p>7 Q. How do you spell that?</p> <p>8 A. C-o-u-l-o-m-b-e. And a variety of shop</p> <p>9 personnel that would assist.</p> <p>10 Q. And what instruction did Mr. Whittle and</p> <p>11 Mr. Coulombe have as to the retrofitting of that</p> <p>12 machine?</p> <p>13 A. Could you repeat the question?</p> <p>14 Q. Sure. What instructions did Mr. Whittle</p> <p>15 and Mr. Coulombe have as to the retrofitting of that</p> <p>16 machine?</p> <p>17 A. To the best of their ability to fashion it</p> <p>18 in a way that would accommodate the production of</p> <p>19 the same types of products that were being produced</p> <p>20 on the coating machine that at the time was</p> <p>21 currently in use at the 211 Weeden Street location.</p> <p>22 Q. What familiarity did Mr. Whittle and Mr.</p> <p>23 Coulombe have with the machine in use at the 211</p> <p>24 Weeden Street location?</p>                     | <p>24</p> <p>1 process took?</p> <p>2 A. Exactly, no. I'm going to say</p> <p>3 approximately a year. It seemed to take us quite a</p> <p>4 while just to strip it down, put in the components</p> <p>5 that we wanted to improve upon and to get the drive</p> <p>6 controls, set it up in a way that would integrate</p> <p>7 all of the functions of the machine properly.</p> <p>8 Q. Why did Patco make the move from 211 Weeden</p> <p>9 Street to Bristol?</p> <p>10 A. They found that it was time to enlarge the</p> <p>11 facility. The location at 211 Weeden Street was</p> <p>12 becoming crowded and cumbersome and difficult to</p> <p>13 work in just from the floor space, materials flow,</p> <p>14 and it allowed us to design a building that would</p> <p>15 accommodate our concerns at the time and allow for</p> <p>16 future expansion.</p> <p>17 Q. And did Patco hire any architects or other</p> <p>18 professionals to help design that building?</p> <p>19 A. The building was built by a construction</p> <p>20 firm named Anthony Nunes Incorporated located in</p> <p>21 Bristol.</p> <p>22 Q. And when did they start that construction?</p> <p>23 A. Maybe August of 1990, maybe. I'm not</p> <p>24 completely sure on that.</p> |
| <p>23</p> <p>1 A. They had both been involved with operation</p> <p>2 and repairs to that machine from time to time as was</p> <p>3 necessary, so they were familiar with its basic</p> <p>4 operation.</p> <p>5 Q. Did they employ any millwrights or other</p> <p>6 kinds of metal workers to make this retrofit?</p> <p>7 A. I believe that most of the materials that</p> <p>8 would have been used to retrofit were probably</p> <p>9 fabricated at Sargeant &amp; Wilbur, I think primarily</p> <p>10 by Armand Coulombe, who had a background in mill</p> <p>11 fabrication.</p> <p>12 Q. Did Armand Coulombe ever work for Sargeant</p> <p>13 &amp; Wilbur?</p> <p>14 A. He did.</p> <p>15 Q. At the time he was doing this retrofitting,</p> <p>16 which company was he working for?</p> <p>17 A. Patco Corporation.</p> <p>18 Q. And when he got the metal work done at</p> <p>19 Sargeant &amp; Wilbur, did he go over to their location</p> <p>20 on the other side of Pawtucket or did he send over</p> <p>21 plans or how did that work?</p> <p>22 A. He would go there for the most part and do</p> <p>23 the work himself.</p> <p>24 Q. Do you recall how long this retrofitting</p> | <p>25</p> <p>1 Q. And Patco purchased the real estate?</p> <p>2 A. Correct.</p> <p>3 Q. And the 211 Weeden Street, was that owned</p> <p>4 by Patco or leased?</p> <p>5 A. Leased.</p> <p>6 Q. Now, prior to the building of the Bristol</p> <p>7 facility, say in the 1989, '90 time frame back at</p> <p>8 the 211 Weeden Street facility, what type of</p> <p>9 ventilation system did Patco have in place for its</p> <p>10 coating line?</p> <p>11 A. Define ventilation system.</p> <p>12 Q. Did the coating line at Patco in the</p> <p>13 Pawtucket Weeden Street facility produce fumes?</p> <p>14 A. The machine itself did not produce fumes.</p> <p>15 The materials that were used to produce the products</p> <p>16 produced fumes. The oven was used to dry the</p> <p>17 adhesive and that as a matter of course would cause</p> <p>18 fumes to be exhausted out of the oven out into the</p> <p>19 atmosphere.</p> <p>20 Q. And what ventilation system was in place to</p> <p>21 perform that function?</p> <p>22 A. It was an exhaust blower.</p> <p>23 Q. And how was that exhaust blower controlled</p> <p>24 in Pawtucket?</p>  |

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8 (Pages 26 to 29)

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1 A. I believe it was a straightforward -- I'm  
2 trying to think of the correct term -- switch.  
3 There was nothing exotic about that particular part.

4 Q. And the adhesives that produced the fumes,  
5 were these fumes volatile organic compounds?

6 A. They are classified as that, yes. VOCs.

7 Q. And what hazards were associated with those  
8 VOCs during that 1985 time frame in that process you  
9 described?

10 A. Define "hazards."

11 Q. Around 1989 you were the president of  
12 Patco, correct?

13 A. Correct.

14 Q. And you'd been working there since 1973?

15 A. Correct.

16 Q. Did you have an appreciation in 1989 of the  
17 hazards that were associated with the manufacture of  
18 pressure-sensitive adhesive tapes?

19 MS. LONG: Objection.

20 A. I had an appreciation for the hazards that  
21 could result if they were not handled properly.

22 Q. And what were those?

23 A. Anything that would cause an over-  
24 concentration of the vapors to collect or an

1 they are not being exhausted, that could cause a  
2 situation where if there was a spark or some event  
3 like that to occur, there could be a fire.

4 Q. And the machine that was in use at that  
5 time, the heat source, was that still the natural  
6 gas?

7 A. Yes.

8 Q. So what precautions did you as the  
9 president of Patco at that time take to insure that  
10 there wasn't an overconcentration situation and some  
11 ignition?

12 A. Primarily to ensure that the exhaust fan  
13 was always running when that machine was in  
14 operation.

15 Q. And you appreciated that was essential to  
16 deal with this hazard that you appreciated?

17 A. Yes.

18 Q. And how exactly did Patco at that time,  
19 back in 1989, go about making sure that happened?

20 A. As I said, it was a situation where the  
21 exhaust fan would be put on as a matter of course in  
22 the operation of the machine, and as such, the  
23 machine would not be operated unless the exhaust fan  
24 was operating.

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1 adhesive spill in a given area and things like that  
2 that are common with any flammable liquid, such as  
3 the gasoline that is used to fill up your car, which  
4 is a volatile organic compound.

5 Q. So the adhesives that were used at Patco in  
6 the Pawtucket facility, they were flammable?

7 A. Yes.

8 Q. And were the fumes that came off of them  
9 flammable as well?

10 A. Fumes of and by themselves aren't  
11 flammable. They can be ignited in a certain  
12 situation, if there was a static spark or something  
13 to ignite them.

14 Q. But the fumes could burn under those  
15 circumstances you described?

16 A. It could.

17 Q. And you knew that in 1989 when you were the  
18 president of Patco?

19 A. Yes.

20 Q. So you mentioned the two hazards,  
21 overconcentration and an adhesive spill. What was  
22 hazardous about an overconcentration situation?

23 A. I think, as in any case, if you have an  
24 overconcentration of VOCs in a confined area and

1 Q. And that was Patco policy?

2 A. That was commonsense operational policy.

3 Q. So did Patco train its employees to make  
4 sure that that commonsense operational policy was  
5 implemented during a manufacturing process?

6 A. Yes.

7 Q. Do you have any background in electrical  
8 engineering?

9 A. None.

10 Q. Have you ever --

11 A. Have I ever taken any courses?

12 Q. Yes.

13 A. Yes.

14 Q. Could you tell me about those?

15 A. No. I'll tell you why, because it was a  
16 very long time ago. In 1974 I took some -- maybe  
17 basic electrical courses at Roger Williams College  
18 in the evening along with physics, statistics and  
19 dynamics, and at the time I was interested in  
20 possibly switching from a career with Patco to one  
21 with Sargeant & Wilbur and being an engineer, and at  
22 the time my brother passed away, all of that  
23 disappeared, so I stopped my studies at that point  
24 and concentrated on the tape business.



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|--|---|
| <p style="text-align: right;">30</p> <p>1 Q. Between the time of your brother's death<br/>2 and the time that you became officially the<br/>3 president of Patco, what were your principal duties<br/>4 for the company?</p> <p>5 A. Primarily oversight of production and sales<br/>6 management. Oversight of payables and general<br/>7 accounting procedures. It was a very small<br/>8 operation, so there were not a lot of people<br/>9 involved. You wore a lot of hats. But my main<br/>10 drive was looking for new opportunities, new<br/>11 products that we could produce has always been my<br/>12 main thrust, research and development. New products<br/>13 to go after niche markets where we could realize our<br/>14 potential and within the capabilities of the small<br/>15 company that we were.</p> <p>16 Q. When did you first start becoming involved<br/>17 in this research and development for Patco?</p> <p>18 A. 1976 or '77, somewhere in there.</p> <p>19 Q. And what kind of things did you do in order<br/>20 to do research and development?</p> <p>21 A. Ordering different samples of adhesive<br/>22 systems and trying different combinations of those<br/>23 adhesive systems to see if I could get the<br/>24 properties that a customer was interested in</p> | <p style="text-align: right;">32</p> <p>1 A. No.</p> <p>2 Q. The building of the shell of the Bristol<br/>3 facility, was that relatively quick?</p> <p>4 A. It was. The shell went up -- it's a<br/>5 typical metal building. There's not a lot to it.<br/>6 It's like an erector set, so it went fairly quickly<br/>7 after it had been graded and the foundation had been<br/>8 poured, which I believe was in August or September<br/>9 of 1990.</p> <p>10 Q. Did the Clean Air Act Amendments of 1990<br/>11 have anything to do with the opening, or the plant<br/>12 opening in the Bristol facility?</p> <p>13 A. No, they didn't have any impact on it.<br/>14 Actually, I was under the impression that we could<br/>15 move the existing equipment from 211 Weeden Street<br/>16 to Bristol and operate under the same emissions<br/>17 umbrella that we had. There was no need in<br/>18 Pawtucket for a pollution control device because we<br/>19 had an emissions cap, so for that reason I thought,<br/>20 as long as we were in the state, we were all set,<br/>21 but I found out very quickly as soon as you put one<br/>22 foot outside the door of 211 Weeden Street you were<br/>23 subject to the new regulations which required a<br/>24 pollution control device to be installed, and that's</p> |
| <p style="text-align: right;">31</p> <p>1 obtaining in terms of degree of adhesion or lack of<br/>2 adhesion or moveability characteristics.</p> <p>3 Q. So you were involved in experimentation?</p> <p>4 A. Yes.</p> <p>5 Q. Did anyone at the company assist you in<br/>6 that research and development?</p> <p>7 A. No, not really. I was for the most part<br/>8 self-taught.</p> <p>9 Q. Did Patco develop a library of materials,<br/>10 industry type materials to help in that research and<br/>11 development effort?</p> <p>12 A. Very basic, any type of material<br/>13 publication that you would get from a vendor<br/>14 describing their raw materials and what its<br/>15 properties were, but for the most part, they were<br/>16 generic in nature and were never really identifying<br/>17 the types of areas that I was interested in using<br/>18 them. I was just aware of some of their<br/>19 functionality characteristics and how they might<br/>20 apply themselves to being compounded in an adhesive<br/>21 system that would allow me to achieve the desired<br/>22 properties that I was looking for.</p> <p>23 Q. Did you ever patent any processes or<br/>24 procedures?</p>  | <p style="text-align: right;">33</p> <p>1 when we got involved with Wolverine and tried to<br/>2 fast-track getting that piece of equipment<br/>3 integrated into the retrofitting that we were doing<br/>4 on the old Sargeant &amp; Wilbur oven.</p> <p>5 Q. Had Patco already bought the real estate<br/>6 when you learned that new information?</p> <p>7 A. I think so, yeah. That didn't really have<br/>8 any -- it just meant that additional funds were<br/>9 going to have to be spent to get that particular<br/>10 coating line up and running. In the scheme of<br/>11 things, the main thrust was to give us more<br/>12 capacity, more floor space, and the ability to grow<br/>13 the business. That's the primary reason for the<br/>14 move.</p> <p>15 Q. What were the first functions that were<br/>16 transferred from the Pawtucket facility to the<br/>17 Bristol facility?</p> <p>18 A. The -- what they commonly referred to as<br/>19 the converting department, which involved all of the<br/>20 slitting equipment that would take the wide-width<br/>21 rolls of tape and cut them into smaller rolls.</p> <p>22 Q. Were the office staff, were they<br/>23 transferred over to the new facility?</p> <p>24 A. Correct.</p>  |

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1 Q. Did they come over with the converting  
2 department?

3 A. Roughly, roughly at the same time. I can't  
4 remember who was there first. It was within a  
5 relatively compact space of time.

6 Q. Did your office move over to the Bristol  
7 facility with the converting department or did you  
8 just split your time between the two?

9 A. I primarily worked out of the Bristol  
10 office and would from time to time go back and forth  
11 to the Weeden Street facility where the coating was  
12 being done to check on the progress and make sure  
13 that they were producing the products that we needed  
14 to fill the orders.

15 Q. At that time after you had moved your  
16 office over to Bristol but the coating department  
17 was still operating in Pawtucket, who was in charge  
18 at Pawtucket when you were in Bristol?

19 A. It depended. There were -- I can't  
20 remember who the coating operators were. We would  
21 typically have a three- or a four-man crew. And  
22 whoever the individuals were, I can't remember.  
23 There would be a lead coating supervisor or foreman  
24 and then he would have two or three people working

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1 with him. Sometimes he would be part of the  
2 operation operating the coating head or the rewind  
3 end or he would be just floating back and forth  
4 making sure things were operating correctly, staging  
5 materials and things of that nature.

6 Q. What was Fred Whittle's role at that time  
7 during this transaction?

8 A. Fred Whittle was one of the first  
9 individuals down in the Bristol facility helping  
10 with the retrofit of the old -- well, the -- what do  
11 we call it? The mothballed coating line that had to  
12 be retrofit. He was involved in that process for  
13 the most part, and kind of would come up to  
14 Pawtucket as necessary to solve any problems that  
15 the coating line guys couldn't figure out.

16 Q. What were Patco's plans for the machine  
17 that was -- the oven machine that was still in  
18 Pawtucket?

19 A. Oh, disassemble and just dispose of it. It  
20 wasn't, it wasn't worth moving and it needed way too  
21 much work in order to operate it. So running -- the  
22 idea of running two lines down in Bristol didn't  
23 make any sense because we didn't -- we weren't in an  
24 overcapacity situation, so the one new coating line

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1 was just fine.

2 Q. At the time that the converting department  
3 came over to Bristol and the coating department was  
4 still in Pawtucket, how many shifts was the coating  
5 department running?

6 A. In Pawtucket?

7 Q. In Pawtucket.

8 A. I believe it was one. They would maybe  
9 extend it. Traditionally it would be eight hours,  
10 is the typical shift. Sometimes they were ten  
11 hours, maybe twelve. That's about the extent of it.  
12 It was one-shift operation, as I remember it.

13 Q. Do you know William Plunkett?

14 A. Yes, I know William Plunkett.

15 Q. How did you come to know him?

16 A. I came to know him through Pat Connors, who  
17 gave me his resume that had been mailed in to Patco  
18 because he was at the time looking for a job.

19 Q. After you saw his resume, what was your  
20 reaction?

21 A. Based on the information I think that I saw  
22 there, I thought it was worthwhile to speak with  
23 him, have a cursory conversation, and invite him  
24 down to the facility so we could get a feel for what

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1 his expertise was. And he showed a very good  
2 aptitude for organizational skills and inventory  
3 matters, purchasing matters, materials planning,  
4 resource management. Quite a lot of areas where we  
5 had been lacking discipline. And he brought a sense  
6 of structure and discipline to that operation.

7 Q. Do you recall what the job was he was first  
8 hired for at Patco?

9 A. For lack of a better term, I might call it  
10 an operations manager, maybe purchasing -- yeah,  
11 purchasing. Purchasing manager/operations. I think  
12 the operations came after the purchasing. He had to  
13 learn and come up to speed, primarily on all of the  
14 different materials that we use, which were  
15 different, obviously, than the operation he had been  
16 previously involved in, but he did that very quickly  
17 and came to realize what types of controls and what  
18 types of methods to put into place to organize our  
19 inventory and production items, so...

20 Q. So Mr. Plunkett begins his work at Patco in  
21 the purchasing -- with a purchasing emphasis. Do  
22 you recall if there was still this manufacturing of  
23 the tape going on in Pawtucket at the time he was  
24 first hired?

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1 A. Yes, because he used to go up there and he  
2 would check out what the inventory was on specific  
3 items and what was being run and produced and what  
4 the needs were to fill orders in the converting  
5 department in Bristol. Kind of generally oversee  
6 that things were being done as they should be.

7 Q. When you or Patco learned that there was  
8 going to be this pollution control device  
9 requirement for the Bristol facility, how did you go  
10 about learning more about what Patco had to do to  
11 make that happen?

12 A. Well, there was information that was  
13 provided to me, I think by the DEM, Department of  
14 Environmental Management, Air and Hazardous  
15 Materials Division, or something, a gentleman named  
16 Doug McVay, and he was the contact that we used that  
17 Eric Long from Wolverine had meetings with, and I  
18 think we actually both went up there to meet him at  
19 some point and discuss how we were going to approach  
20 this thing and what the timelines were and what he  
21 needed to see in order to approve the process.

22 Q. When you say you "went up to meet him," do  
23 you mean Doug McVay at his office or Mr. Long at his  
24 office?

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1 A. Doug McVay at his office. Eric Long came  
2 down -- I don't know if he met me at McVay's office  
3 and came down to Bristol and then we went up to  
4 McVay's office in Providence.

5 Q. Had Patco, to your memory, used Wolverine  
6 as a supplier of machinery at some point prior to  
7 that?

8 A. No.

9 Q. Did Wolverine supply a coating device to  
10 Patco?

11 A. Define "coating device."

12 Q. A rollover roll coater?

13 A. Yes. We bought for the Bristol facility a  
14 new coating head, which you identified as the  
15 rollover roll coater, from Wolverine, and I believe  
16 it came through Wolverine, but Wolverine had  
17 acquired a company, I think called American Tooling  
18 Machine, ATM, and I don't know if it was them that  
19 made the coating head or Wolverine. I'm not sure  
20 about that.

21 Q. What was wrong with the coating head at  
22 Pawtucket? Why not just use that one again?

23 A. That needed repair, a lot of retrofitting,  
24 and it wasn't wide enough to accommodate the new

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1 oven that was being put in place in Bristol. As I  
2 said, it was going to accommodate about a six-inch-  
3 wide web, and I think the widest that that coating  
4 head down in Pawtucket could handle was about 47  
5 inches wide, so it really didn't make any sense.

6 Q. And do you recall if Patco purchased this  
7 coating head from Wolverine prior to the discussion  
8 about the thermal oxidizer?

9 A. I don't remember. I do not remember.

10 Q. What do you recall about the meeting  
11 with -- that first meeting with Mr. McVay at the  
12 Department of Environmental Management and what  
13 would be required of Patco in order to begin  
14 operations in Bristol?

15 A. Very little. I was relying primarily -- I  
16 was there as the Patco representative, let's say,  
17 and the reason for having Eric Long there was I was  
18 using him, in effect, as our engineering staff. I'm  
19 not an engineer. I don't pretend to be an engineer.  
20 So I needed his expertise to explain to Mr. McVay  
21 whatever it was we needed to do in order to get the  
22 permits we needed to start an operation down there.

23 Q. Did you have any conversations with Mr.  
24 Long about the type of manufacturing that you

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1 intended to engage in at the Bristol facility?

2 A. Yes. I think he had -- again, I'm not  
3 sure. I would tend to think that is -- let me put  
4 it this way: I'm not sure of this, but he may have  
5 been invited to come up and may have seen the 211  
6 Weeden Street operation so he could get an idea of  
7 how the material worked through the system, and  
8 based on that, he would have a better understanding  
9 of how things were produced; but, again, I'm not  
10 sure if he ever saw that. He may have just seen the  
11 retrofit in process down in Bristol, and I think at  
12 that point we may have been trying to get the drive  
13 controls down.

14 And what that means is the -- in order  
15 to get the web to go through the coating head and go  
16 through the drying oven and then go into the windup  
17 required separate speed controls on the motors that  
18 were used, and that was, that was done by a company  
19 called -- I think it was Warner, Warner Controls. I  
20 don't know. That's all I really remember. Fred  
21 Whittle was I think more involved in talking with  
22 those guys about how to do it because he was more  
23 familiar on how the system had been working down  
24 in -- well, up in Pawtucket.



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1 Q. Now, the rewind portion of the coating line  
2 in the Bristol facility, how was that made?

3 A. Well, it was a retrofit again by -- there  
4 had been the original rewind/laminator which only  
5 meant that two rolls pressed together. That was  
6 going to be part of that original piece of equipment  
7 that was the mothballed coating line, and that was  
8 structurally redesigned to be retrofitted into a  
9 fashion that closely approximated the Weeden Street  
10 operation.

11 Q. And who was involved in that retrofit?

12 A. Again, that was primarily Fred Whittle and  
13 Armand Coulombe.

14 Q. What happened to the rewind machine in  
15 Pawtucket?

16 A. Just so we're clear on this, the coating  
17 head, the oven, the rewind, all parts of that  
18 particular machine were disassembled and scrapped,  
19 to the best of my knowledge. Although an addendum  
20 to that might be, we may have kept -- I don't know  
21 if we kept actually the coating head for a while  
22 down in Bristol and just mothballed it in the back  
23 room in case we needed the rollers or the vacuum  
24 belt or something of that nature. That sticks in my

1 exhaust hood, and that would have been exhausted out  
2 separately from the main exhaust in the oven out  
3 into the atmosphere.

4 Q. Did that exhaust hood have a blower  
5 associated with it?

6 A. Yes. Well, it would have needed to in  
7 order to be exhausting. It wasn't gravity exhaust;  
8 it was pulled out by a blower, kind of like on a  
9 stove, I'm thinking that you would imagine there.

10 Q. On that exhaust hood device in Pawtucket,  
11 how was that controlled?

12 A. By the same kind of on/off switch type of  
13 thing. I don't remember the control sequence.

14 Q. Do you recall if there was any safety  
15 function that that exhaust hood was serving at the  
16 Pawtucket facility?

17 A. Well, the primary safety function would be  
18 to exhaust whatever fumes were gathering at the  
19 coating head to the best of its ability to do so.

20 Q. I guess, why bother? What's the danger?

21 A. I guess it's an operator comfort level, you  
22 know, to exhaust those fumes away from the immediate  
23 coating head area while he's working there.

24 Q. Did that exhaust hood dissipate this

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1 mind for some reason, but I'm vague on that.

2 Q. Was there a separate enclosure in Pawtucket  
3 in which the coating head was placed that was  
4 separate from the facility itself back in 1989?

5 A. No. The coating head was -- the coating  
6 line was over on one side of the building and the  
7 converting/slitting was, and packaging was done on  
8 the other side of the building. The coating area  
9 was open, with the exception of the area where the  
10 material came out of the coating head and went onto  
11 the conveyor belt that went into the oven, and that  
12 was semi-enclosed with sheet metal and flexible  
13 vinyl strips, kind of like that you put up on a  
14 loading dock door, to contain the amount of VOCs  
15 that were flashed off during the period before it  
16 actually went into the oven. And since there was a  
17 negative pressure at that point, those VOCs were  
18 pulled into the oven for the most part.

19 Q. And in the Pawtucket facility, aside from  
20 that negative pressure that was pulling the flashoff  
21 VOCs into the oven in the area you described, was  
22 there some other ventilation control for the fumes  
23 that were produced in that area?

24 A. I think over the coating head there was an

1 concentration phenomenon that you described earlier?

2 A. What I described earlier, and I believe  
3 what your question was, alluded to under what  
4 situation VOCs would pose a problem of causing a  
5 fire or explosion, and to the extent that exhaust  
6 hood was regulating a very small amount of adhesive  
7 that was actually on the bank, an adhesive bank  
8 where it was being applied, there was a very small  
9 danger of there being a problem. Plus, they had, I  
10 think, a dry chemical system in place there that, if  
11 there was a fire of any sort, that it would put it  
12 out.

13 Q. And that dry chemical system was a fire  
14 suppression back in Pawtucket?

15 A. Correct.

16 Q. During the retrofitting process and the  
17 building of the Bristol facility, did there come a  
18 time when you became aware that the Bristol facility  
19 needed to have a separate coating room?

20 A. That was something that I always thought  
21 would be to the benefit of the operation and also by  
22 virtue of the requirements of the DEM as it was  
23 expressed in setting up this new facility, I think  
24 that there had to be either a partial enclosure or a



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| <p style="text-align: right;">46</p> <p>1 total enclosure, and those, or the type of enclosure<br/> 2 was defined by the rate at which the VOCs or air was<br/> 3 pulled into the enclosure and into the oven. I'm<br/> 4 really digging now.<br/> 5 Q. A long time ago, obviously.<br/> 6 A. Yes.<br/> 7 Q. Do you recall if the design of that coating<br/> 8 room was part of the construction services that the<br/> 9 Anthony Nunes Company provided to Patco?<br/> 10 A. They would have done the fabrication of it,<br/> 11 but it would not be of their design only because I<br/> 12 would have directed them as to how it should be<br/> 13 configured and put together, and I'm not sure if<br/> 14 they did the whole thing, or I think we did part of<br/> 15 it, actually.<br/> 16 Q. How did Patco learn of how the coating room<br/> 17 should be configured?<br/> 18 A. I think common sense. Again, also industry<br/> 19 literature. There really wasn't a lot available<br/> 20 about total enclosures that I was aware of at the<br/> 21 time. So at the time, best of our ability, we<br/> 22 configured it in a manner that would accommodate the<br/> 23 regulations that were required and also the ability<br/> 24 of the personnel to work effectively within that</p>   | <p style="text-align: right;">48</p> <p>1 A. No. Just looking through magazines,<br/> 2 primarily Converting Magazine, and there were some<br/> 3 other trade publications that showed coating lines,<br/> 4 we would try to get an idea. Ours was so different,<br/> 5 our coating method, than most that are used in the<br/> 6 industry that it's pretty much virtually impossible<br/> 7 to find anything that looked like it. Most coating<br/> 8 operations will do roll-to-roll coating where they<br/> 9 take one big roll and rewind the whole roll at the<br/> 10 other end. And it's all under tension, so they can<br/> 11 put the components fairly close together, where ours<br/> 12 has to be spread out a little bit because of these<br/> 13 free tension zones, so there's no stress on the web,<br/> 14 or else it would break.<br/> 15 Q. What's a web?<br/> 16 A. What's a web?<br/> 17 Q. Yes.<br/> 18 A. In our vernacular, it would be any<br/> 19 substrate that you are applying a coating to and<br/> 20 putting it through a drying oven for purposes of<br/> 21 turning it into a product that a customer is<br/> 22 interested in purchasing from you.<br/> 23 Q. So it's the back of the tape?<br/> 24 A. Yeah, that's one definition.</p> |
| <p style="text-align: right;">47</p> <p>1 enclosure.<br/> 2 Q. Were the regulations federal and state<br/> 3 regulations?<br/> 4 A. They were primarily state regulations, but<br/> 5 I believe that the federal -- how did that work if<br/> 6 the federal regulations -- again, I'm going way<br/> 7 back. And I think at that point in time Rhode<br/> 8 Island was ahead of the curve in terms of<br/> 9 catching -- in terms of being ahead of what the<br/> 10 federal regulations were requiring in terms of new<br/> 11 coating equipment and stuff. But I'm not sure about<br/> 12 that. So it was -- we relied on Doug McVay and the<br/> 13 Rhode Island Department of Environmental Management<br/> 14 to tell us how to do -- because they were the entity<br/> 15 that was going to allow us to operate down there by<br/> 16 virtue of issuing a permit, so they were the ones we<br/> 17 had to satisfy. And the EPA, I think, as long as<br/> 18 Rhode Island identified us and gave us a permit,<br/> 19 then the EPA by default would allow us to operate.<br/> 20 Again, I'm just not completely clear on that one.<br/> 21 Q. And you mentioned that there wasn't much<br/> 22 information out there about how to construct the<br/> 23 coating room but tried to find some industry<br/> 24 literature. Is that fair?</p> | <p style="text-align: right;">49</p> <p>1 Q. The free tension zones, if one were to look<br/> 2 at the line, what would these free tension zones<br/> 3 look like?<br/> 4 A. It would look like a U, a loop. Imagine<br/> 5 holding a sock in your hands and bringing your hands<br/> 6 together. The sock, unless it's got a lot of starch<br/> 7 in it, is going to droop down like this, so that's<br/> 8 exactly what would happen in this free tension zone.<br/> 9 We'd take the stress out of the sock while it's<br/> 10 being transferred from the coating head through the<br/> 11 conveyor belt to the oven, out of the oven and into<br/> 12 the rewind area.<br/> 13 Q. Was there a free tension zone on each side<br/> 14 of the oven?<br/> 15 A. Yes.<br/> 16 Q. How would the web be drawn through the<br/> 17 length of the oven?<br/> 18 A. It was conveyed through the length of the<br/> 19 oven on a conveyor belt.<br/> 20 Q. In the Bristol facility, do you recall what<br/> 21 that conveyor belt was made out of?<br/> 22 A. I believe it was some type of polyester/<br/> 23 cotton blend. Sorry, it sounds like a shirt, but<br/> 24 that's what it was. I believe in Pawtucket it had</p>   |

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1 been primarily cotton, but we wanted to get a little  
2 bit higher temperature profile in Bristol to run  
3 some different products, so we went to this next  
4 step up, which was this polyester/cotton blend.  
5 That's all I can remember about it.

6 Q. Some kind of fabric weave. It wasn't metal  
7 or anything like that?

8 A. No. It was all -- it was a belt, you know,  
9 like a cotton/polyester woven product.

10 Q. It wasn't rubber?

11 A. No.

12 Q. In the Bristol facility, how was the speed  
13 of that conveyor belt regulated?

14 A. It was part of that Warner Controls  
15 mechanism that I mentioned to you previously that  
16 was integrated with the other components, so I'm not  
17 sure how it worked. I just know that it did perform  
18 the function that we wanted it to.

19 MR. WALKO: We'll go off the record.

20 (Lunch recess)

21 AFTERNOON SESSION

22 MR. WALKO: Let's go back on the record.

23 Q. As the Bristol facility was opening up in  
24 the early 1990s, we discussed how the coater room

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1 A. Yes.

2 Q. -- or below?

3 A. They were above.

4 Q. Why were they above?

5 A. Because they would have been considered  
6 non-explosion-proof.

7 Q. And why was that important?

8 A. Because you're working in an environment  
9 that has VOCs and, as previously stated, the  
10 possibility of some mechanical or electrical spark  
11 could cause them to become a fire or cause an  
12 explosion of some sort.

13 Q. When you designed that room, Patco had an  
14 appreciation that there was a potential fire/  
15 explosion danger in the process taking place at that  
16 location?

17 A. Yes.

18 Q. Were there any other safety features that  
19 were designed in that coater room with that fire  
20 hazard in mind?

21 A. There was a fire suppression system. The  
22 motors were all wired to be explosion-proof. I  
23 don't know if there were two or just one motor.  
24 There was the main drive motor for the coating head,

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1 was something that was unique to the process that  
2 you were going to employ there. Do you recall any  
3 special features that you wanted installed in that  
4 coater room at the start back in the early 1990s  
5 period?

6 A. I don't think there was anything overly  
7 specific, just that it be operator-friendly and a  
8 safe environment and meet the requirements as they  
9 were set out by the DEM.

10 Q. What kind of ceiling was first installed in  
11 the coater room?

12 A. I think it was, I think it was  
13 polycarbonate; I think it was Lexan, was the trade  
14 name on it.

15 Q. Could you see through it?

16 A. Yes. Yes, I think -- right. It had to be  
17 a total enclosure. We used the fact that it was a  
18 total enclosure with the Lexan. It was clear and it  
19 allowed the fluorescent lighting on the outside to  
20 shine through so the operator could perform in an  
21 illuminated area that would not inhibit his ability  
22 to perform his functions.

23 Q. Were those fluorescent lights above the  
24 Lexan ceiling --

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1 which I think worked in concert with the vacuum  
2 belt, which pulled the web through the coating head  
3 and brought it into the conveyor belt, and the  
4 static eliminators that were I think mounted at the  
5 coating head, and before or during, in that loop  
6 area where it would enter the oven, that's the way I  
7 remember it.

8 Q. Could you describe for me what this vacuum  
9 belt was and what function it served?

10 A. It served to pull the web, which we've  
11 already defined, down through the coating head and  
12 bring it into the loop, which we've already defined,  
13 and deposit it onto the conveyor belt which carried  
14 the web through the oven.

15 Q. How did the vacuum feature come into play?

16 A. Explain, clarify.

17 Q. You called it a vacuum belt.

18 A. Yes.

19 Q. I assume that vacuum is the adjective for  
20 belt that's describing the type of belt. What's the  
21 function?

22 A. The function is to pull the web through the  
23 coating head oven by itself. There's a top roller  
24 and a bottom roller. The web goes up, is in contact

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1 in Pawtucket need a pollution control device?

2 A. It didn't. That would have been for that  
3 particular unit that ended up going down to Bristol.

4 Q. So what was the plan regarding the unit at  
5 that -- at the time you communicated with --

6 A. At this time, we were slowly but surely  
7 going through the process of seeing if we could make  
8 something that would satisfy the requirements for a  
9 pollution control device at that facility, and then  
10 the decision was made to move to Bristol, and at  
11 that time I couldn't wait to make sure that this  
12 particular type of equipment that he intended to  
13 build and had gone through the process of submitting  
14 prints and calculations to DEM would work in a time  
15 frame that would allow us to get on line quickly, so  
16 we just never went forward.

17 Q. At the time you communicated, Patco  
18 communicated with the Rhode Island Division of Air  
19 and Hazardous Materials in October of 1989, did  
20 Patco have an understanding that if it were to run  
21 this -- the mothballed machine, that it would need a  
22 pollution control device in order to do so?

23 A. If we were going to run solvents through  
24 it, yes.

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1 go above that, and as we had been doing, we'd be  
2 filing -- I think it was yearly, or maybe they  
3 wanted to go to quarterly reports on the amount of  
4 emissions that we were sending up the stack.

5 Q. Do you recall if Patco was classified as a  
6 major or a minor source polluter?

7 A. Just by virtue of the amount we put out --  
8 I don't have any documentation, I don't have any  
9 reference that I can put my finger on, but we were  
10 small. I think we would have been classified as --  
11 what did you say?

12 Q. A minor source?

13 A. A minor source, just because there wasn't a  
14 lot being produced at that point, especially at that  
15 facility. There was only one shift. And like I  
16 said, maybe extended ten to twelve hours, if we  
17 needed it to be.

18 Q. Now, you mentioned that your father was the  
19 one who was involved in designing this proposed  
20 thermal oxidizer?

21 A. Yeah, actually some of it was constructed.  
22 It was reasonably far along, but it just -- we  
23 moth-balled it. It never got put together  
24 completely. I really don't know what happened to

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1 Q. So was the thought to have, then, two lines  
2 running in Pawtucket?

3 A. You know, at the time it was, it wasn't on  
4 the front burner. It was something that if we can  
5 get this thing to a point where it's working and it  
6 can take over production for the old coating line,  
7 which was on its last legs, as I already mentioned,  
8 then we would have done what we ended up doing by  
9 moving to Bristol, getting rid of the old coater and  
10 keeping the new coater up there and running with the  
11 pollution control equipment. That was a long-range  
12 project, like that whole coating line was. It  
13 wasn't that I kept pushing and pushing and needed to  
14 get up and running. We were going through the  
15 approval and everything that was necessary, if we  
16 decided to go ahead, which we never did.

17 Q. Did you have an understanding back at that  
18 time, back in 1989, that the grandfather provisions  
19 that allowed the Pawtucket facility to operate  
20 without a pollution device were going to expire?

21 A. Yeah, but there was an agreement, I think,  
22 if I remember correctly, we were going to be allowed  
23 to continue operating under an emissions cap. They  
24 would put X amount of tons per year, and we couldn't

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1 it.

2 Q. And just so we're talking about the correct  
3 terminology, in the first sentence of Exhibit 172 it  
4 refers to a catalytic afterburner. So was this a  
5 catalytic oxidizer and not a thermal oxidizer?

6 A. OK. Yeah. It would be a catalytic  
7 oxidizer, which would be allowed to operate at a  
8 lower temperature than 1400 degrees by virtue of the  
9 catalyst that is used, which, much like an  
10 automobile uses, I think platinum, some type of  
11 precious metal that would allow VOCs to be destroyed  
12 at a lower temperature.

13 Q. So just like on your car you have a  
14 catalytic converter, this design of pollution  
15 control device had a catalyst involved with it to  
16 destroy the pollutants?

17 A. Correct. And another problem that we kind  
18 of had after the -- looking at it more closely, was  
19 we were starting to get into different product mixes  
20 and, although it hadn't come to fruition at that  
21 particular point, if we had been running the  
22 silicone adhesives, we wouldn't have been able to  
23 run those type of adhesives with that unit because  
24 it would have poisoned the catalyst and rendered it



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| <p style="text-align: right;">70</p> <p>1 useless.</p> <p>2 Q. When did Patco start to run the silicone</p> <p>3 adhesives? Do you recall if it was still at</p> <p>4 Pawtucket or was it at Bristol?</p> <p>5 A. No, it was in Bristol when the technology</p> <p>6 became available.</p> <p>7 Q. On page 2 of this document, paragraph</p> <p>8 number 6, it refers to a capture system. Do you see</p> <p>9 that there?</p> <p>10 A. It must have been some design that he had</p> <p>11 in his mind for capturing the VOCs. I don't have</p> <p>12 any of those documents or prints or anything</p> <p>13 regarding that, so I really can't tell you.</p> <p>14 Q. What that capture system was referring to?</p> <p>15 A. What the capture system was, how it was</p> <p>16 designed or what it was intended to look like, I</p> <p>17 just don't know.</p> <p>18 Q. There's a large paragraph that follows</p> <p>19 paragraph number 8. Just read that to yourself.</p> <p>20 A. Just this paragraph?</p> <p>21 Q. Yes.</p> <p>22 A. All right.</p> <p>23 Q. Does that refresh your recollection at all</p> <p>24 about the capture system?</p>   | <p style="text-align: right;">72</p> <p>1 "Your application for the installation"...</p> <p>2 (Pause.)</p> <p>3 A. It could have been.</p> <p>4 MR. WALKO: What I'll do is mark them as</p> <p>5 four different documents so we'll keep them</p> <p>6 straight. I'll identify them for the record first</p> <p>7 as WILB 254 through WILB 266, which we will split up</p> <p>8 into four different exhibits.</p> <p>9 (Marked, Exhibit 173, letter, 5 June</p> <p>10 1991.)</p> <p>11 (Marked, Exhibit 174, application for</p> <p>12 approval of plans to construct.)</p> <p>13 (Marked, Exhibit 175, application for</p> <p>14 approval of plans to construct.)</p> <p>15 (Marked, Exhibit 176, Attachment 1.)</p> <p>16 Q. Now, showing you what has been marked as</p> <p>17 Exhibit 173, Exhibit 174, Exhibit 175, and Exhibit</p> <p>18 176, which of those exhibits were the applications</p> <p>19 you were referring to?</p> <p>20 A. It's 174 and 175. One thing I did notice</p> <p>21 down here that is very odd, though, is in Section C</p> <p>22 it says, "Are ovens used in process?" Yes. It</p> <p>23 says, "If yes, complete the following." "Direct-</p> <p>24 fired, indirect-fired, fuel type, gas, the fuel type</p>   |
| <p style="text-align: right;">71</p> <p>1 A. No. What it looked like?</p> <p>2 Q. No, refers to.</p> <p>3 A. What it refers to?</p> <p>4 Q. Yes.</p> <p>5 A. It refers to a total enclosure, it would</p> <p>6 seem, would be the type of design, because usually</p> <p>7 if they're going for 100 percent capture, it's</p> <p>8 usually a total enclosure, the way I remember it.</p> <p>9 Q. I'm going to show you a group of documents,</p> <p>10 and before we mark those as an exhibit, they were</p> <p>11 produced with a paper clip on them. If you would</p> <p>12 briefly flip through those documents and tell me if</p> <p>13 they were supposed to be together or were supposed</p> <p>14 to be separated?</p> <p>15 A. I think just by virtue of -- they could be</p> <p>16 put together just for reference purposes. I think</p> <p>17 these are the original -- not the original. They're</p> <p>18 not the original, but copies of the applications to</p> <p>19 the DEM for the oxidizer and the coater. And then</p> <p>20 this is the letter where they issue the permits.</p> <p>21 Q. On this last sheet, it says Attachment 1.</p> <p>22 Is that an attachment to the June 5, 1991 letter?</p> <p>23 Take your time.</p> <p>24 A. No. Because what they're saying here is</p> | <p style="text-align: right;">73</p> <p>1 is gas, but it is not direct-fired; it was indirect-</p> <p>2 fired inasmuch as we used the feedback from the</p> <p>3 Wolverine oxidizer, the hot air to heat up the oven.</p> <p>4 There was no direct -- although it initially had</p> <p>5 been designed that way, that's one of the retrofits</p> <p>6 we removed, because we were using the exhaust heat</p> <p>7 in the Wolverine oxidizer to feed back into the oven</p> <p>8 to heat it up.</p> <p>9 Q. That part of the application you were just</p> <p>10 discussing appears on Exhibit 174?</p> <p>11 A. Yes.</p> <p>12 Q. What's the date on Exhibit 174, date or</p> <p>13 dates associated with it?</p> <p>14 A. Well, there's a couple of dates on 174.</p> <p>15 There's a received date from the Division of Air and</p> <p>16 Hazardous Materials of March 27, 1991, and then</p> <p>17 there's other dates, so I don't know which date is</p> <p>18 applicable.</p> <p>19 Q. Is there a date on the exhibit such as at</p> <p>20 the back where a place for the signature appears? I</p> <p>21 don't know if there is. I'm just asking.</p> <p>22 A. Yes. March 26, 1991.</p> <p>23 Q. Are there any dates associated with Exhibit</p> <p>24 175 in the same manner?</p> |



20 (Pages 74 to 77)

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1 A. February 6, 1991. Yes. February 6, 1991  
2 on 175. And in both cases, the approval dates from  
3 the DEM are June 3rd, 1991.

4 Q. And what's the difference between the --  
5 well, first let's start with what's the title of the  
6 preprinted form that was filled out, which is  
7 Exhibit 174?

8 A. "Application for approval of plans to  
9 construct, install or modify" -- excuse me, "or  
10 modify process equipment."

11 Q. And is that the same title that appears on  
12 the top of Exhibit 175?

13 A. No. 175 is "Application for approval of  
14 plans to construct, install or modify air pollution  
15 control equipment."

16 Q. So 175 has to do with air pollution control  
17 equipment and 174 has to do with?

18 A. The coating line. You needed a separate  
19 permit for each one.

20 Q. And 175, which was the air pollution  
21 control device, that was a direct-fired device?

22 A. Yes.

23 Q. And that was the one that was sent in or  
24 around February of 1991?

1 A. Is June 5, 1991.

2 Q. And who signed that document?

3 A. Douglas McVay, principal quality engineer.

4 Q. And he worked for the state of Rhode  
5 Island?

6 A. Yes.

7 Q. Is that the same individual you were  
8 talking about before that you had that meeting with?

9 A. Yes.

10 Q. And there are two approval numbers  
11 associated with that letter from Mr. McVay, are  
12 there not?

13 A. Yes.

14 Q. And what are they?

15 A. 1116 and 1117.

16 Q. And those were the license numbers for the  
17 operation at Bristol facility?

18 A. Yes.

19 Q. Was the letter from Mr. McVay dated June 5,  
20 1991 important?

21 MS. LONG: Objection. You can answer.

22 A. Yes, because it gave us the ability to  
23 begin to produce materials and to start working on,  
24 I think there was a significant shutdown period

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1 A. February 6, 1991 is when I signed it.  
2 That's the date there.

3 Q. And why did Patco have to submit these  
4 forms to the Rhode Island Department of  
5 Environmental --

6 A. Division of Air and Hazardous Materials.

7 Q. Division of Air and Hazardous Materials?

8 A. In order to operate our coating line at our  
9 Bristol location.

10 Q. And were those applications approved?

11 A. Yes.

12 Q. And taking a look at Exhibit 173, could you  
13 tell me what that is?

14 A. It is a letter informing us that the  
15 pressure-sensitive tape and surface coater utilizing  
16 a thermal oxidizer afterburner at your 51 Ballou  
17 Boulevard, Bristol facility has been reviewed and  
18 approved. Approval numbers 1116 and 1117. Which  
19 correlate to Exhibits 175 and 174.

20 Q. This letter, No. 173, is essentially the  
21 letter informing you that you have been licensed to  
22 do the things that you applied to do in 174 and 175?

23 A. Correct.

24 Q. And the date on Exhibit 173?

1 before we actually got into full production on this  
2 because it took a while to work the bugs out of  
3 everything, and we had to additionally go through a  
4 stack emissions test after we got the materials to  
5 work properly through the coating line. So this was  
6 the green light to start all of that process.

7 Q. So this essentially was the permit that  
8 allowed you to make tape at Bristol?

9 A. Correct.

10 Q. And in the second paragraph of this letter  
11 from Mr. McVay of the Division of Air and Hazardous  
12 Materials, could you read the words of that  
13 paragraph into the record, that one sentence.

14 A. I'm not sure which one you mean.

15 Q. This second paragraph.

16 A. "The design, construction and operation of  
17 this coater and air pollution control system shall  
18 be subject to the following conditions."

19 Q. And did you have an understanding that in  
20 order to operate legally that Patco had to follow  
21 the conditions set forth in this document, Exhibit  
22 173?

23 A. Yes.

24 Q. And to your understanding, did you ensure

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1 attached them to what they call job bags, and they  
2 have the individual jobs that are being run on a  
3 particular shift. It might have been done on a  
4 shift basis rather than a day basis. I don't know.

5 Q. Did you ever look at the machines that were  
6 in use at the Patco factory after receiving this  
7 permit from the Division of Air and Hazardous  
8 Materials to see whether there was some interlock  
9 equipment that was in place between the pressure-  
10 sensitive tape and surface coater and the  
11 afterburner temperature?

12 A. No.

13 Q. Do you know of anyone who worked for Patco  
14 who did?

15 A. No. Not that I'm aware of.

16 MR. WALKO: I'll have this marked as the  
17 next exhibit.

18 (Marked, Exhibit 177, schematic plan.)

19 Q. I'm going to show you first a document  
20 that's been previously marked in this case as  
21 Exhibit No. 77. It bears the title "Incinerator  
22 control cabinet electrical schematic" with an  
23 as-built date of 4/19/91. Mr. Wilbur, were you  
24 provided with plan drawings and schematics from the

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1 Wolverine Corporation as part of the equipment that  
2 was sold to Patco?

3 A. Yes.

4 Q. And looking at Exhibit No. 77, do you see  
5 alongside of line 322 there's a feature that's  
6 labeled "Customer" interlock"?

7 A. Yes.

8 Q. And this is a poor copy. I show you  
9 another document that's been labeled as Exhibit 177,  
10 and show you next to line 322, it also says  
11 "Customer interlock"?

12 A. Yes.

13 Q. And directing your attention to Exhibit No.  
14 77, can you read the words that appear there?

15 A. No.

16 Q. Can you read -- it's just such a poor copy.  
17 That is what was produced to us. I'm going to show  
18 you Exhibit No. 177 and direct your attention to  
19 line 349. Running all the way over to the right, do  
20 you see where it says "Contact for customer's use"?

21 A. Yes.

22 Q. Do you know what this reference on line 322  
23 of Exhibit 177 and line 349 of Exhibit 177 refer to?

24 A. No. It obviously says "interlock," but I'm

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1 not sure -- I'm not an electrician. We contracted  
2 with somebody, I can't remember who, to do the  
3 wiring, but I don't know what it -- hot air supply  
4 damper --

5 MS. LONG: Don't guess if you don't  
6 know.

7 A. I don't know.

8 Q. You recall that Patco hired somebody with  
9 electrical knowledge or knowledge to read electrical  
10 schematics in order to do the wiring for Patco?

11 A. Yes.

12 Q. I show you an exhibit that's been marked as  
13 71, and this is a document that was produced to us.  
14 First I ask you if you recognize it at all?

15 A. No.

16 Q. Does it appear to be a drawing of some  
17 type?

18 A. Yes.

19 Q. Towards the side of the drawing there is a  
20 name associated. Can you read that name?

21 A. Warner Control Techniques Systems Division.

22 Q. Previously in your testimony you mentioned  
23 you had a memory about Warner, Warner Controls. Is  
24 Warner Control Techniques Systems Division the

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1 company that Patco hired to do some control wiring?

2 A. Yes.

3 Q. And what do you recall about what they were  
4 hired to do?

5 A. Coordinate the speeds between the coating  
6 head, the oven conveyor, and the rewind. And Fred  
7 Whittle dealt with those people more than I did. I  
8 really didn't have any conversations. I know it  
9 took -- we had -- a great deal of the difficulty in  
10 getting this line going was in getting their system  
11 to work correctly, as I remember it.

12 Q. On Exhibit 71 are the free tension zones  
13 depicted in that picture at all?

14 A. Yes. Wherever there's the loop sensors,  
15 those are what control the free tension zones. It's  
16 out of scale, obviously, but here's where it's  
17 unwound. It goes to a coater. And they don't show  
18 the vacuum drawdown belt we've been discussing. And  
19 that's the mechanism that controls the speed  
20 between -- I can't remember how -- what these, if  
21 they -- one speed was slaved to another, and I'm not  
22 sure if it was the rewind that controlled the speed  
23 or the coating head that controlled the speed. I  
24 just don't remember.

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|  |   |
|--|---|
| <p style="text-align: right;">94</p> <p>1 Q. And you were pointing to the document, but</p> <p>2 over on the left-hand side it says "pay off"?</p> <p>3 A. Right.</p> <p>4 Q. And that would be at the feed end of the</p> <p>5 machine?</p> <p>6 A. Correct.</p> <p>7 Q. And then on the right of the drawing it</p> <p>8 says "Surface winder" and then "Center winder," and</p> <p>9 is that at the exit end of the machine?</p> <p>10 A. Correct.</p> <p>11 Q. And there's small print associated with</p> <p>12 this document. There's a box that's labeled</p> <p>13 "Reference" and below that it says "Changes per</p> <p>14 service." Do you see that?</p> <p>15 A. Yeah, I think so.</p> <p>16 Q. And the date, does it say 7/24/91?</p> <p>17 A. I don't see. Where is the date? I can't</p> <p>18 tell. I can't read it. I'm sorry. I don't have my</p> <p>19 glasses.</p> <p>20 MS. LONG: That's OK. It says what it</p> <p>21 says.</p> <p>22 Q. There's another box. It says "Open by JJ,</p> <p>23 9/10/90." Can you see that or is that too small?</p> <p>24 MS. LONG: If you can't see it, that's</p>  | <p style="text-align: right;">96</p> <p>1 (Brief recess.)</p> <p>2 BY MR. WALKO:</p> <p>3 Q. Back on the record. Looking at page number</p> <p>4 2 of Exhibit 173, the sixth paragraph, could you</p> <p>5 read paragraph 6?</p> <p>6 A. "Afterburner temperature shall be</p> <p>7 continuously monitored, indicated, and recorded."</p> <p>8 Q. What was the significance of that</p> <p>9 condition?</p> <p>10 A. The significance of that condition was that</p> <p>11 we would have a record of the temperature that the</p> <p>12 thermal oxidizer was operating at for our own</p> <p>13 internal records, but also in the event that the DEM</p> <p>14 wanted to ensure that we were operating above 1400</p> <p>15 degrees, they could come in and audit, I guess, it.</p> <p>16 Q. Do you recall if the DEM ever audited Patco</p> <p>17 prior to the incident?</p> <p>18 A. No.</p> <p>19 Q. To the best of your knowledge, were those</p> <p>20 temperature recordings kept by Patco?</p> <p>21 A. To the best of my knowledge, when I was</p> <p>22 there, I know I told them that that was something</p> <p>23 that was never to be destroyed; a record of those</p> <p>24 was supposed to be kept, always.</p>   |
| <p style="text-align: right;">95</p> <p>1 OK. Don't guess what it says.</p> <p>2 A. No.</p> <p>3 Q. There's a reference to how many sheets were</p> <p>4 in the drawing. It says "Sheet 1 of," and it</p> <p>5 appears to be another digit. Can you see that?</p> <p>6 A. No. I can see something, but I don't know</p> <p>7 what digit it is.</p> <p>8 Q. This was produced by Travelers in one of</p> <p>9 the depositions, and it was represented that this</p> <p>10 was given to that Travelers witness. Do you ever</p> <p>11 recall seeing other documents associated with Warner</p> <p>12 Control Techniques Systems Division?</p> <p>13 A. No, they may have had them out in the</p> <p>14 factory in the supervisor's office. You know,</p> <p>15 anything relating to the machinery used to be out</p> <p>16 there, as I remember it. But I didn't have it.</p> <p>17 Q. But this organization, you recall that they</p> <p>18 were involved in wiring the controls that regulated</p> <p>19 the conveyor and the process of the web through the</p> <p>20 oven?</p> <p>21 A. Correct.</p> <p>22 Q. And they were hired by Patco directly?</p> <p>23 A. Yes.</p> <p>24 MR. WALKO: Let's go off the record.</p> | <p style="text-align: right;">97</p> <p>1 Q. Paragraph number 7, could you read that for</p> <p>2 the record?</p> <p>3 A. "All access doors and windows in the</p> <p>4 capture system shall be closed during routine</p> <p>5 operation of the coater. Brief occasional openings</p> <p>6 of such doors or windows to allow for adjustments of</p> <p>7 the coater are acceptable."</p> <p>8 Q. What was the significance of that</p> <p>9 condition?</p> <p>10 A. That was to ensure that no fugitive VOCs</p> <p>11 would escape the total enclosure so you would not be</p> <p>12 meeting the requirement of what they were</p> <p>13 identifying as 100 percent captured.</p> <p>14 Q. Paragraph 8, could you read that?</p> <p>15 A. "Air passing through any openings in the</p> <p>16 capture system shall flow into the enclosure</p> <p>17 continuously."</p> <p>18 Q. And what was the significance of that?</p> <p>19 A. Again, they wanted, much as in number 7,</p> <p>20 they wanted to ensure that no fugitive emissions</p> <p>21 would escape from the total enclosure or the capture</p> <p>22 system -- excuse me -- right, the capture system,</p> <p>23 being the total enclosure, so there's always a</p> <p>24 negative pressure and the negative pressure, being</p> |

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1 that may have been at the end of their investigation  
2 of looking at things, but I really can't remember  
3 how many days they were there.

4 Q. At that meeting that you recall having a  
5 sitdown in your office when you had the jacket on,  
6 what do you recall they told about what they had  
7 learned?

8 A. Like I said, very limited. We were just  
9 describing the degree of destruction and what type  
10 of events could have led up to that and would a  
11 premature shutdown have created that type of  
12 situation.

13 Q. What do you recall about that aspect of the  
14 conversation?

15 A. Just sitting there and listening, you know,  
16 to what they were saying.

17 Q. So when you say there was discussion about  
18 whether a premature shutdown would have caused the  
19 situation, was that Travelers investigators telling  
20 you and Mr. Plunkett or was it you and Mr. Plunkett  
21 telling them?

22 A. Again, I don't remember the context of the  
23 conversation. I just remember going back and forth  
24 about the situation as a whole. I can't give you

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1 to the incident have any particular problems during  
2 the manufacturing process that would come up as a  
3 matter of course?

4 A. Well, it was a low-solid adhesive,  
5 relatively. It was about 32 percent, somewhere in  
6 there, 35 percent solids, primarily in hexane, maybe  
7 with a little lactol in it, and it's a pretty hot  
8 solvent. It's a low-boiling solvent. So it has a  
9 tendency to create, depending on the air flows and  
10 how it goes into the oxidizer, to create spikes as  
11 the VOCs go in, because they do kind of combine with  
12 the reaction time of the burner, keeping the  
13 incinerator at 1400 degrees, and all of a sudden you  
14 get a slug of solvent coming in that adds more heat,  
15 and I think the reaction time between the burner  
16 slowing down and the slug of solvent coming in made  
17 for an irregular flow. Do you follow what I'm  
18 saying?

19 Q. Yes.

20 MR. WALKO: Mark this as the next  
21 exhibit.

22 (Marked, Exhibit 184, proposal letter,  
23 January 18, 1991.)

24 Q. I'm going to show you a document that's

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1 specifics. I don't have anything documented in  
2 terms of that.

3 Q. What was your general recollection of what  
4 they told you as to what happened or led to the  
5 incident?

6 A. Well, it was a buildup of fumes that  
7 prematurely ignited before they could be exhausted,  
8 and that's what caused the incident. But, again,  
9 specifics as to what switch was in what position at  
10 what time and who was where, I'm vague.

11 Q. Did they ever mention to you whether they  
12 had a theory about the source of the ignition?

13 A. They may have, but I don't remember it. I  
14 don't.

15 Q. The fumes that were -- do you recall what  
16 product was being used on the night of the incident?

17 A. Yes.

18 Q. What was that?

19 A. It was a 7 mil or 7.5 low-density  
20 polyethylene film coated with, I think 1.5 mils of a  
21 rubber-based adhesive, 36 yards long, 3-inch core.  
22 I remember generic descriptions better than titles.

23 Q. Did the adhesive that was used in  
24 manufacturing that product to your knowledge prior

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1 marked as Exhibit 184 -- it's comprised of WPS 4, 5,  
2 6, 6A, 7, 8, 9, and 10 -- and ask you if you've seen  
3 a copy of that document before?

4 A. Yeah. I think this is one of the ones I  
5 had a copy of.

6 Q. No. In fact, it is labeled with WPS  
7 numbers, so it means it came from Wolverine Procter  
8 & Schwartz's files, but I'll see if I can find your  
9 copy of the same.

10 (Pause.)

11 Q. Do you recognize that document?

12 A. I believe so.

13 MR. WALKO: I'll have this marked as the  
14 next exhibit. It's WILB 232 through 236.

15 (Marked, Exhibit 185, proposal letter,  
16 January 18, 1991.)

17 Q. Mr. Wilbur, when you received proposals  
18 from Wolverine, did they come on bond paper? Do you  
19 know what I mean by "bond"?

20 A. Specifically, no.

21 Q. Was there a -- where it has the logo, was  
22 it a color when you received the proposals?

23 A. In the mail, yes, I believe it was.

24 Obviously, the fax copies would look like this.



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1 Q. And I'm showing you Exhibit No. 185. As I  
2 identified it, this is a copy of a document produced  
3 from your files. It doesn't have a cover letter as  
4 Exhibit 184 has, but if you look at the second page  
5 of Exhibit 84 and compare it to the first page of  
6 Exhibit 85 -- I guess the third page. I'm sorry.  
7 MS. LONG: It's 185 and 184.  
8 Q. Exhibit 185.  
9 A. OK.  
10 Q. You see the same date?  
11 A. Yes.  
12 Q. And at the bottom of that exhibit, the one  
13 that says WPS 6 --  
14 A. Yes.  
15 Q. -- you see some small print at the bottom  
16 of that page?  
17 A. This page?  
18 Q. Yes.  
19 A. Yes.  
20 Q. The proposal page.  
21 A. Yes.  
22 Q. Could you read that for me for the record?  
23 A. "All orders based on this quotation are  
24 subject to acceptance by Wolverine Corporation. The

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1 conditions on the reverse side form a part of this  
2 quotation."  
3 Q. Were there conditions on the reverse side,  
4 if you recall, of the proposals that you received  
5 from Wolverine?  
6 A. Probably. If they're on the reverse, as a  
7 matter of course, they were probably there. I don't  
8 remember reading them specifically.  
9 Q. As a business practice, did you have a  
10 practice of ever reading through the small print on  
11 proposals that you would receive?  
12 A. I would usually review them, scan them just  
13 to see if there was anything that glared out at me  
14 in terms of performance of the contract and delivery  
15 times, and if the machine didn't operate correctly,  
16 et cetera, and that's really what I focused on.  
17 Q. And if there was a problem with those small  
18 print terms, would you go back to the proposer and  
19 bring up your concerns with that business?  
20 A. I would think so if I saw something that...  
21 Q. Do you recall if you ever had any  
22 discussions with Eric Long at Wolverine or anyone  
23 else at Wolverine about the small print terms of the  
24 proposals?

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1 A. No. I wouldn't have.  
2 MR. WALKO: I'll have these marked as  
3 the next exhibits.  
4 (Marked, Exhibit 186, letter, January  
5 22, 1991.)  
6 (Marked, Exhibit 187, letter, January  
7 22, 1991.)  
8 Q. I'm going to show you what's been marked as  
9 Exhibit 186, which has WPS numbers 39, 39A, 40, 41,  
10 42, and 43, and an exhibit marked 187, which has  
11 identification number WILB 224 through 229. First  
12 looking at Exhibit 186, do you recognize that?  
13 A. Specifically, no, but I mean, I know I did  
14 receive quotations for this.  
15 Q. Do you recall, in comparing 186 to 184, was  
16 there a revision in the thermal oxidizer proposal  
17 that was submitted to Patco by Wolverine?  
18 A. A reduction in price.  
19 Q. There are different dates on the two  
20 exhibits, correct?  
21 A. Correct. One is January 18, 1991 and one  
22 is January 22, 1991.  
23 Q. And --  
24 A. The terms are different. The payment terms

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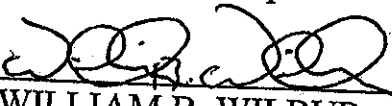
1 are different. Go ahead.  
2 Q. Do you recall in general -- obviously we  
3 can go through and compare the difference in  
4 language -- but just from your general memory  
5 sitting here, do you recall why Patco was looking  
6 for a revised proposal initially?  
7 A. It may have been, just looking at it  
8 briefly, it may have been the terms. I was looking  
9 for easier payment terms so the cash flow would be  
10 easier to handle, I think. I'm not sure what else.  
11 (Marked, Exhibit 188, Wolverine heat  
12 recovery system.)  
13 Q. I'm going to show you an exhibit marked  
14 188. It has a date of November 29, 1993. It's WPS  
15 numbers 116, 117, 118, 119, 119A, 120, 121, 122,  
16 123, and 124, and ask if you recognize that?  
17 A. I remember something, yes, like this.  
18 Q. And in general, what was it?  
19 A. A quotation for the Wolverine heat recovery  
20 system.  
21 Q. And what year was that?  
22 A. The date is November 29, 1993.  
23 Q. So a couple of years after the quotation on  
24 the thermal oxidizer. Is that fair?

WILLIAM B. WILBUR  
SIGNATURE PAGE/ERRATA SHEET

| PAGE:LINE          | CHANGE OR CORRECTION AND REASON   |
|--------------------|---|
| (1) 11:21          | He was a consultant and a member of the board of directors.   |
| (2) 25:1           | The real estate was purchased by Xenolith, Inc. All of the stock of Xenolith, Inc. was owned by William B. Wilbur.  |
| (3) 29:18          | Not "...statistics...". Should be "...statics..."   |
| (4) 31:2           | Not "...moveability...". Should be "...removability..."   |
| (5) 50:8           | The polyester/cotton belt was attached together by a metal clip that was in a zipper type configuration and was approximately 1.50" to 2.00" wide.  |
| (6) 52:11          | "...could cause a fire or an explosion of some sort." Delete 52:12.   |
| (7) 53:3           | "...onto..." not "...into..." the conveyor belt.  |
| (8) 53:23          | Delete the word "...oven..."  |
| (9) 54:14-54:18    | Delete these lines. Insert: "I can't remember where it was mounted"   |
| (10) 55:23         | Delete this line. Insert: "...that was ducted to the vacuum section of the vacuum drawdown belt." "My memory is not clear on the exact configuration of this connection."   |
| (11) 63:8          | Insert: "The documents were kept at my home for a short period of time after I left PATCO until I moved them into an office space that I rented."   |
| (12) 67:23-67:24   | Delete "They would put X amount of tons...". Insert "They would allow us to emit X amount of tons..."   |
| (13) 73:6          | Delete "...we removed...". Insert "...we made..."   |
| (14) 123:17-123:22 | Delete 123:17-123:22. Insert "We did not want a large open space from the floor to the point on the oven where the conveyor belt entered the oven so we installed a section of sheet metal, I believe, to cover this space, with just a very narrow gap in it, as I remember it, that allowed the conveyor belt to reenter the oven." |
| (15) 138:11        | Delete "...hey, contact them.". Insert "...we would contact them."  |

I have read the foregoing transcript of my deposition taken on November 14, 2003. Except for any corrections or changes noted above I hereby subscribe to the transcript as an accurate record of the statements made by me

Signed under the pains and penalties of perjury



WILLIAM B. WILBUR

Date December 19, 2003

Michael G. Orefice

12/19/03

NOTARY

expiration 11/9/04